

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DEREK WAYNE SHAW,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:15-cv-01816-RLY-DML
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

Report and Recommendation to
Dismiss Complaint with Prejudice

Plaintiff Derek Wayne Shaw has failed to prosecute his complaint for judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. On March 3, 2016, the court issued its Entry on Briefing Schedule (Dkt. 16) that required Mr. Shaw to file within 28 days a brief in support of his complaint. Mr. Shaw did not file a brief, and on April 19, 2016, the court issued an Order to Show Cause why Plaintiff's Complaint Should Not Be Dismissed with Prejudice, because of Mr. Shaw's failure to comply with the March 3, 2016 order. (Dkt. 18). The order permitted Mr. Shaw to request an "additional, short period of time to file his brief" as part of his explanation why his complaint should not be dismissed. Mr. Shaw's response to the show cause order provided good reasons why he had missed the original deadline. He also explained he was going to try to find a lawyer to represent him. Mr. Shaw asked for more time to file his brief.

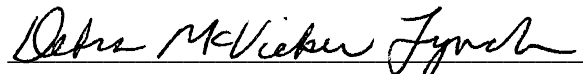
The court granted Mr. Shaw's request for more time in an order entered May 27, 2016, and gave Mr. Shaw a new deadline of July 25, 2016, to file his brief. (Dkt. 20). The court's order explicitly warned Mr. Shaw that the court "will not allow any further extensions of this deadline, regardless whether he is successful in hiring an attorney."

Mr. Shaw did not comply with the court's May 27, 2016 order. He did not file a brief by July 25, 2016. Because of Mr. Shaw's failure to comply with the court's orders and his failure to prosecute his claims, the Magistrate Judge recommends to the District Judge that his complaint be DISMISSED WITH PREJUDICE.

Any objections to this Report and Recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for such failure.

IT IS SO RECOMMENDED.

Dated: August 11, 2016


Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record by email through the court's ECF system

Via United States mail:
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